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SPEECH OF MR. SEDDON, OF VIRGINIA,

ON THE

OREGON QUESTION.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, APRIL 15, 1846.

The House being in Committee of the Whole on the state of the Union—

Mr. SEDDON rose and addressed the committee as follows:

Mr. CHAIRMAN: In much that I had intended to say, had I succeeded in obtaining the floor at an earlier period, I have been anticipated by the able gentlemen who have preceded me, and especially by the honorable member from Ohio, [Mr. VINTON], who so forcibly addressed the committee on yesterday in support of the amendment offered by himself. But for being so anticipated, I should myself have offered a similar amendment; for so important and essential in its character do I deem that amendment that my own ultimate vote upon this bill must be determined by its acceptance or rejection. It proposes to limit the operation and effect of the bill to the period during which the existing convention between the United States and Great Britain for the joint occupation of the Oregon territory shall continue in force. The bill, as reported, Mr. Chairman, will operate in two very different and distinct states of our relations with reference to the Oregon territory. Ostensibly, judging from the title of the bill, which is for the protection of American settlers until the termination of the joint occupancy, and from most of its provisions, its aim and purpose were simply to provide for the extension of the laws and jurisdiction of the United States over our citizens in Oregon during the continuance of the convention at present subsisting; but in actual operation and effect without the limitation proposed by the amendment, being indefinite in duration, it must extend beyond the continuance of that convention, and have an application and efficacy far exceeding, as I presume, the contemplation and purpose even of those who reported and now sustain it.

Mr. JAMES THOMPSON here rose, and (Mr. S. giving way for explanation) said that the gentleman was mistaken. The effect of the bill after the termination of the convention had been contemplated and intended by those who reported it, and they had now come to the determination, when the proper time arrived, to propose to amend the title so as to make it read, "A bill to protect the rights of American settlers west of the Rocky mountains."

Mr. SEDDON resumed. Well, sir, I must be permitted to express both my surprise and regret if such effect was designed to be given to the bill—that it should have been reported with a title so incorrect

and delusive. From the title as reported, and even a cursory examination of its leading provisions, members might readily have been misled to believe its operation was designed to be limited to the duration of the convention and be determined with it; and thus the House might have been betrayed through misconception into the heedless adoption of a measure repugnant to its sense of policy and justice. I am happy that, though late, such delusive guise is to be cast aside, and that the bill is to be made to avow on its face its real purpose and extent.

The bill, then, Mr. Chairman, is to have a double operation, and, as I have said, under essentially different circumstances. It is first to operate during the convention, and while our rights are determined by treaty stipulations, and then after the proposed and expected determination of that convention, it is to continue active in the assertion of our pretensions as maintained under the law of nations independently of that convention. I shall proceed to examine it with reference to each state of circumstances separately.

In its operation during the continuation of the convention, I confess, Mr. Chairman, I see no just objections to its provisions; but on the contrary, deem it, with the saving clause embodied which protects all the rights and privileges of Great Britain and her subjects under the convention, salutary and just. During that period, it but extends the jurisdiction of the laws of Iowa, so far as applicable, in entire subserviency to the convention, and with an express saving of all rights secured by it to British subjects over the territory west of the Rocky mountains belonging to the United States. Such extension is consistent with the rights, while it is demanded by the honor and obligations of the government. We have citizens settled already in considerable numbers in the territory west of the Rocky mountains, and they are daily, by emigration and otherwise, increasing and multiplying. They have gone and are going to that remote territory under the invitation and inducements of our government in both its branches, executive and legislative. They are without laws, under no competent jurisdiction, and destitute of all regular government. Their exigencies have so imperatively demanded the sanctions of law and government, that they have been driven to the feeble substitute of self-constituted associations, and an appeal to general acquiescence in their

decrees. They have appealed to this government for the redemption of its obligation, impliedly at least given for their security and protection, and invoke the ægis of our laws and jurisdiction over them. We have no exclusive ownership or jurisdiction under the convention over the territory so occupied by them, it is true, but we have certain admitted rights and privileges there as defined and ascertained by that convention itself. Coextensive with such rights and privileges, may our jurisdiction be most fully carried; and so far as we may, I humbly conceive we should not, under the circumstances, hesitate, by the extension of our laws, to give the security and protection demanded.

The eloquent gentleman from South Carolina, [Mr. HOLMES,] who addressed the House yesterday, urged that the extension of jurisdiction as contemplated by this bill would violate the provisions of the joint convention. I am generally proud to concur with that gentleman, but from this view I must be permitted wholly to dissent. During the convention, the bill is made to operate in subserviency to it, and all the rights and privileges of Great Britain and her subjects are expressly saved and excluded from its action. How, then, can it violate or contravene the provisions of the convention? Is the objection that urged with zeal by the gentleman from Tennessee, [Mr. BROWN,] that our laws should be extended over persons only, and not be made to operate on property, or "territorially," as this bill does? I hold, sir, that our laws, in their application, should be made coextensive with the rights and privileges ascertained and secured by that convention to our citizens, and sufficient for the protection and guarantee of those rights and privileges. Now, under the convention, have we not something more than the mere right of entry to our citizens? The eminent domain is indeed in abeyance; exclusive sovereignty is not to be claimed or exercised either by the United States or Great Britain; but our citizens are not merely free to enter; they may take their effects and property; they may trade and hunt; may build, settle, and even occupy the land, enjoying the usufruct, though not holding the absolute or exclusive title. We may, then, by our laws do more than guard mere personal immunities; we may protect the property and effects of our citizens, and secure them in the peaceable possession and usufruct of their temporary settlements—nay, more, as among our own citizens on their acknowledging allegiance to the government of the United States in that territory, having complete jurisdiction, we may regulate their claims and rights in regard to the lands settled or occupied temporarily by them, as well as all other matters of right or contract. We may then legitimately, during the convention, legislate not merely over persons, but (as it has been called,) "territorially" likewise. We have done nothing more in extending "the laws of Iowa, as far as applicable," over the territory west of the Rocky mountains; and to exclude the possibility of misconception, we have inserted an express saving of the rights secured to Britain and her subjects. Such saving was not, indeed, of absolute necessity, and might, perhaps, with safety have been omitted. We could not, if we would, by legislation violate the convention; for, under the constitution, treaties constitute a part of the "*lex legum*"—the supreme law—and under judicial construction, the full effect of the saving, even if omitted from the bill, would have been secured, and all enactments in violation of the convention would be annulled and vacated.

Still the insertion of the saving clause was wise and just, because we owe it to ourselves and the honor of our government that even the seeming of bad faith, or an equivocal purpose in our legislation, should be avoided and disclaimed.

Satisfied by the reasoning I have used, I, for one, do not need, in the extension of our jurisdiction as contemplated by this bill during the convention, the precedent and sanction of English example; nor is it my wont to gauge by such measure the extent either of our rights or obligations. Yet, if such additional warrant for the extension of our jurisdiction under the convention be required, I insist, notwithstanding the argument of the gentleman from Tennessee, [Mr. BROWN,] it is afforded by the British legislation of 1821, to which reference has been frequently made. That act of the British Parliament, I submit, is in equal sense, and to the like extent with the present bill, territorial in its operation. By it, "the courts of judicature in the province of Upper Canada" have conferred on them "the same civil jurisdiction, power, and authority, within the Indian territories, and other parts of America not within the limits of Lower or Upper Canada, or of any civil government of the United States, as the said courts have, or are invested with, within the limits of the said provinces of Upper or Lower Canada," &c. Nor is the saving of the rights of the citizens of the United States under the convention, by any means so clear and satisfactory as the saving in this bill in behalf of British subjects. A full examination of the provisions of the British act will, I think, satisfy every one that, in the assertion of jurisdiction, it goes at least as far, if not farther, than do the provisions of this bill. But the gentleman from Tennessee [Mr. BROWN] argued that this act of the British Parliament must be held to have been superseded by the subsequent convention of 1827, which is the one now subsisting in relation to the Oregon territory, and, therefore, was not now in force. The validity of this argument cannot be admitted. The convention of 1827, so far as it relates to the rights and privileges secured to the citizens of this country and Great Britain respectively, is identical with that of 1818, which was in force at the very time the English statute was enacted. If that statute was enacted, and operated during and under the joint convention of 1818, how could the renewal of the identical convention in 1827 (with no other change than its extension indefinitely, with a provision for its termination on twelve months' notice in lieu of a specified term of years) annul and supersede the provisions of the statute. Such effect cannot be ascribed to the renewal of the convention in 1827; but even if it could, and the British act were really nonexistent, still the full effect of the British precedent would remain. For by that act, passed in 1821, after and during the convention of 1818, a clear manifestation is afforded that, according to the understanding and construction of the convention by the British Parliament, provisions for the extension of jurisdiction, as in that act, (like unto those in the bill before the committee,) were not in contravention or violation of the joint convention.

This precedent, Mr. Chairman, may suffice to relieve the scruples of such members as would not wish, in legislating under the convention, to give ground of complaint to Great Britain that it had been violated. But if apprehensions on this score are still entertained by any, they must, I think, be dissipated, by reference to the despatch of Mr. Gallatin, who, as minister of the United States, negotiated

the convention, the conference, and himself exercised under the

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the convention of 1827. In that despatch he states the conferences had between the British negotiators and himself, in relation to the powers which might be exercised by the government of the United States under the convention. He says:

"The establishment of a distinct territorial government on the west side of the Stony mountains, would also be objected to as an attempt to exercise exclusive sovereignty. I observed that, although the Northwest Company might, from its being incorporated, from the habits of the men they employed, and from having a monopoly with respect to trade, so far as British subjects were concerned, carry on a species of government, without the assistance of that of Great Britain, it was otherwise with us. Our population there would consist of several independent companies and individuals. We had always been in the habit, in our most remote settlements, of carrying laws, courts, and justices of the peace along with us. There was an absolute necessity on our part to have some species of government. Without it, the kind of sovereignty, or rather jurisdiction which it was intended to admit, could not be exercised on our part. It was suggested, and seemed to be acquiesced in, that the difficulty might be obviated, provided the erection of a new territory was not confined exclusively to the territory west of the mountains; that it should be defined as embracing all the possessions of the United States west of a line that should be at some distance from, and east of the Stony mountains."

In pursuance, probably, of this very suggestion, the present bill has been so framed as to include within its operation undoubted territory of the United States lying east of the Rocky mountains—viz: "the intermediate country west of the Missour river, between the 40th and 43d parallels of north latitude." The acquiescence of the British commissioners must apply to this bill, and preclude objection on the part of their government, that it is violative of the joint convention.

I trust, Mr. Chairman, to have now established that, so far as this bill operates during the continuance of the convention of 1827, its provisions are needed; that they are just in themselves, not violative of the convention, but only commensurate in the protection afforded, and authority exercised with the rights and privileges ascertained and secured by it; that they have the sanction of English precedent and example, and are only in conformity with suggestions received and acquiesced in by the British government through its commissioners, at the negotiation of the treaty. So far the bill has my approbation and support.

Before proceeding, Mr. Chairman, to consider the bill in its further, and, to my mind, most objectionable operation after the termination of the convention, allow me, the more especially as it will have a material tendency to elucidate such subsequent operation, to ascertain with precision and certainty the limit of territory or latitude to which, during the convention, the jurisdiction of the United States is by the bill to extend. The object of the bill, during the continuance of the convention, is to protect and secure all the rights and privileges ascertained to belong to our citizens by its stipulations, and consequently, to effect that end, its operation must be commensurate, as to limits, with the territory in which such rights and privileges exist. It will then cover the whole territory embraced by the convention of joint occupancy; and as that territory unquestionably extends to the Russian line—to the utmost limit of 54° 40' north latitude—the operation of the bill must be to that extent likewise. On this point there can surely be no question; (here several members around expressed acquiescence aloud, and Mr. S. added:) and I am happy to hear the position admitted by honorable gentlemen of all parties around me. I shall proceed on such admission.

I come now, Mr. Chairman, to the consideration of this bill in the more important view of its purpose and operation after the termination of the joint convention. What, then, will be its aim and effect? I maintain, with entire confidence, they will be to extend over the whole territory of Oregon, to the utmost limit of 54° 40' north latitude, or the Russian line, the absolute and exclusive jurisdiction of the laws and government of the United States, to the dispossession of Great Britain, as of all other nations; and that, for the accomplishment of such result, the power substantially of making war, and employing the military force of the Union, is intrusted to the discretion, not even of the President, but of the executive of a distant territory.

The bill is indefinite in duration, and no distinction whatever is made in the language prescribing the limits to which jurisdiction shall extend before and after the convention. The phraseology is loose and vague, viz: "over all that portion of the territory of the United States which lies west of the Rocky mountains;" and after, as before, the termination of the convention, the proper construction to be given to the bill must be determined by the officers to administer it, or by judicial interpretation, as I have already established, Mr. Chairman. The object of the bill, during the pendency of the convention, being to assert jurisdiction coextensive with the rights ascertained by its stipulations to belong to us, and they extending to 54° 40', the necessary construction of the phraseology of the bill, both in common understanding and judicial interpretation, will be to extend jurisdiction to that extreme limit. To precisely the same language must not, after the termination of the convention, this necessary interpretation, previously ascertained, be continued and enforced? With nothing in the bill to limit or restrict such construction, the meaning, once ascertained and affixed to the phraseology, identical both before and after the convention, must remain unchanged.

Precedent and common understanding as to the interpretation before, will extend after the termination of the convention. Could the stringency of such previous interpretation fail to conclude in the construction of the law, the result would probably not be changed. In the administration of the law, after the convention shall be terminated, the construction of the vague phraseology, to which I have alluded, must devolve on the executive of Iowa, or the Indian agent and officers to whom, by the bill, the executive power over the territory is given. With the feelings and influences operative on such functionaries, can it be doubted they will hold "the territory owned by the United States, west of the Rocky mountains," to extend to the utmost limit of 54° 40'? Or should they hesitate, and submit the matter to judicial construction? It will fall under the decision of the United States judges, or the justices of the peace, resident in the territory of Oregon, to be appointed under this bill. Think you not, Mr. Chairman, that they will carry our jurisdiction to the utmost extent of 54° 40'? From position and the appliances to which circumstances would expose them, such would assuredly be their determination. Indeed it is worthy of the consideration of grave jurists, whether they would not, in judicial decision, be bound so to do; whatever may be the real title, the just rights, according to the law of nations, of the United States in Oregon, its government throughout all administrations, have asserted claims and maintained pretensions to the whole territory up to the Russian line. In the absence of any conventional stipula-

tions to overrule, would not the courts of the United States, and the justices acting under the appointment of the Executive, be bound to maintain and respect the claims so asserted? I incline to think they would, so constrain; but whether it did or not, no practical man can doubt but that, in fact, they would so decide and act. After, then, as before the termination of the convention, it may be safely affirmed the jurisdiction to be exercised under this bill would extend over the whole of Oregon to the extreme limit of 54° 40'.

Then, Mr. Chairman, comes the grave, the all-important inquiry, what is the character and degree of jurisdiction you will thus extend after the termination of the convention? Absolute and exclusive must it not be? As was on yesterday ably shown by the learned gentleman from Ohio, [Mr. VINTON,] we shall then be remitted to our rights as claimed under the law of nations, and to the assertion of the only sovereignty known in the absence of conventional arrangements—a sovereignty over the eminent domain; or, in other words, to the assertion of exclusive dominion over the territory. I will not attempt to add to his view, which was full and complete, of the assumption of title, and consequent obligations, which, under the law of nations, would result from the position in which, by this bill, we would be placed. But I may refer to the words of the bill, only glanced at in his more general view, as compelling the same conclusion. The language of the bill already quoted are: "The laws of the Territory of Iowa, as far as applicable over all the territory west of the Rocky mountains owned by the United States." No treaty will exist to limit the applicability of the laws of Iowa. Some mere local enactment for bridges or court-houses may not apply; but all the general laws of Iowa will be extended to, and operate over, the whole territory. Those laws, as over Iowa, maintain exclusive and absolute jurisdiction and sovereignty; so, likewise, must they do over the whole of Oregon. They are to be operative over it as territory owned by the United States in the absence of any treaty to limit or define that ownership. Who ever heard of a divided or limited jurisdiction on the part of an independent nation over the territory owned by it? The laws of Iowa assert over it exclusive jurisdiction—maintain the eminent domain, and exclude all pretensions to sovereignty or jurisdiction on the part of all other nations. Extended to Oregon, as territory owned by the United States, they must have no less efficacy and exclusive operation. It might as well be contended that Great Britain, or her subjects, have rights of sovereignty, or are entitled to exercise jurisdiction over the spot on which we stand, in this the Capitol of the Union, as that they will have any such rights or title recognised or respected in any part of the Oregon territory after we shall have extended the jurisdiction of our laws and government over it as territory "owned by the United States." It surely is not necessary to elaborate this view. The simple statement of the terms of the law is conclusive to show that after the convention shall, by its determination, have ceased to restrict the applicability of the laws of Iowa, their extension over the whole territory of Oregon involves the claim of entire sovereignty, and the exercise of exclusive jurisdiction, to the complete ouster of the sovereignty and jurisdiction of Great Britain and all other nations.

The exclusive character of the sovereignty and

jurisdiction to be exercised under this bill, after the termination of the convention having been thus ascertained, it remains to inquire, Mr. Chairman, by what means, and with what consequences, such jurisdiction and sovereignty are to be enforced.

The executive of Iowa, or the mere subordinate agents to whom this bill intrusts the execution of its provisions, will be bound immediately after the termination of the convention, to extend our exclusive jurisdiction, and take possession of the whole territory, dismantling all forts or other establishments in which the flag of a foreign sovereignty waves, closing and abrogating all tribunals in which a foreign jurisdiction is exercised, and ejecting all companies, settlers, or traders, who will not acknowledge allegiance to the government of the United States, and submit to accept the protection of its laws. The powerful Hudson Bay Company, with its army of agents and employees, and its tribes of savage auxiliaries, will be in the possession of much of the territory and most of its strongholds. Numerous British subjects, settlers, or traders, will be in different parts, relying on the asserted rights of their nation, and her pledged faith to protect and defend them. Great Britain having asserted, with singular unanimity on the part of her leading statesmen, that she has rights in the territory, which, at all hazards, she will maintain, and placed by such legislation in a position when to yield would be dishonor and the violation of the most sacred engagements of a nation to her subjects, must and will sustain her claims with the utmost of her power. At the first attempt, then, on the part of the executive of Iowa, or this new Oregon territory, to enforce the provisions of this act, he must and will be resisted with the strong hand. The whole military force at his command, and subsequently at that of the Executive of the Union, must be invoked, under his clear obligation to extend and maintain jurisdiction over the territory declared by clear enactment to belong to the United States. And this, sir, will be war—nothing but war—the beginning of a dire contest, the end whereof no man can know.

This bill, sir, has been regarded, in its application to the state of affairs after the termination of the convention, as rickety and imbecile. Certainly but little foresight or sagacity has been manifested in framing provisions for the exigencies which will then demand much wise and cautious legislation. But, sir, it is anything else but imbecile—for mischief, it will be found all-potent. It will render hostile collision of inevitable necessity, and will place at the discretion of the executive of a remote territory, or to the petty officers to be appointed in Oregon, the issues of peace and war, with the full power of compelling the support of the whole military force of the country. Is the House prepared thus, in anticipation, to part with the dread power reposed in Congress alone, of declaring war? And if even so, are they so infatuated as to intrust it to the discretion of some distant territorial executive, or petty ministerial officer in Oregon? I cannot believe it while I retain respect for its wisdom or patriotism.

In view of the operation of this bill after the termination of the convention, in extending over the whole of Oregon to the Russian line the exclusive sovereignty and jurisdiction of the United States with the certain consequence of collision and war; I feel that I may appeal, with entire confidence, to all such members as have thought our title limited to the 49th degree or thereabouts, or as entertain such

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conscientious scruples about the extent of our rights as to have been unwilling to assert absolute title to 54° 40', to array themselves in firm opposition to its passage, without the amendment limiting it to the duration of the convention. They cannot, without abandonment of their fixed opinions and ascertained positions, give it their support, and they are too wise not to see it.

But is there not even a more numerous class to whom this bill, without the amendment, must be repugnant? I refer to those who boast of entire concurrence on this Oregon question with the President, and manifest a peculiar desire to comply exactly with all the recommendations of his message, in all our legislation on the subject. The language and spirit of the message are clearly opposed to legislating now for the period after the termination of the convention, and the exigencies that may then exist. His recommendations are for the adoption of measures to protect our emigrants and conciliate the Indian tribes during the intermediate time before the abrogation of the convention. I will not detain the committee by reading the passages in the message which, during this debate, have been already exhibited, showing the nature of the executive recommendations. They all refer to the "mean time" before the termination of the convention, and contemplate only provisional legislation. The President, in this respect, acting wisely and prudently, so far from recommending ulterior legislation, has even abstained from developing his opinions as to the measures which should, after the termination of the convention, be adopted, or to what extent, and in what degree, exclusive sovereignty and jurisdiction should then be asserted in Oregon. He has, indeed, intimated his opinion of our title; but in reference to the position of things after the expiration of the convention, he has contented himself with saying that we shall then have "reached a period when the national rights in Oregon must either be abandoned or firmly maintained;" and that they cannot be abandoned without the sacrifice of national honor and interest. No intimation is given what specific measures will then be necessary; and much less does he advise legislation now for that period. Should not, then, his peculiar adherents on this matter of Oregon abstain where he has abstained, and shrink from legislating where he has not ventured even to advise?

To all, sir, it must be a consideration of no little moment that such premature legislation may most seriously embarrass and involve the relations of the country in the pending negotiations. They are already in a situation of delicacy and embarrassment, and a further element of offence or difficulty should not be cast in by improvident legislation. From the first, the notice has been strongly presented and advocated by its friends as a peace measure. That being stipulated for by the convention, and given in pursuance of an undoubted right, expressly reserved, it could afford no just cause of offence, while it must tend to bring both countries to a settlement of their conflicting claims. We were told, repeatedly, that by the notice there was no manifestation of hostile intent, or of a purpose to invade the rights of Great Britain. That we would not even be committed to the assertion of our rights over the territory one inch further than, according to the conscientious convictions of the majority of this House, our title should be clear and unquestionable. An giving the notice would any, even the most infatuated 54° 40' men (as they are here styled) have dreamed of ac-

companying it with the declaration or intimation that at its expiration we meant to take possession of and maintain exclusive sovereignty over the whole Oregon territory to the Russian line? Who does not see that to have done so would have excluded the idea of a purpose to induce and expedite amicable settlement?—would have implied a most offensive menace to Great Britain, and have rendered negotiation impracticable, and hostilities inevitable? Yet if by cotemporary legislation, we not merely declare such purpose, but actually provide for its execution, the course is not materially different and scarce less dangerous. We are probably now warranted by what has proceeded from various influential quarters in England, in concluding that the mere notice, being but the exercise of a privilege reserved by treaty, will not be regarded as a war measure; but if the "quo animo," the intent to follow it up by taking and holding exclusive possession of the whole country be thus plainly stamped on our present legislation, how can the notice, thus explained, be regarded otherwise than as most offensive and aggressive? I have heretofore shown that the practical operation of the bill, on the termination of the convention, would be direct collision and war. But is there not the most serious reason to apprehend that such dread result may more speedily, nay even immediately ensue? Would Great Britain be liable to the censure of the civilized world, if, with an unequivocal manifestation of our purpose to seize and appropriate the whole territory, and in view of legislation formally enacted for the dispossession of her subjects and her complete expulsion, she should not await the termination of the convention, but waiving notice, and availing herself of her superior state of preparation, strike at once a fearful, if not decisive blow. Whether thus near or more remote, war by our reckless course will be made almost certain. And what, Mr. Chairman, must be the nature and probable consequences of such a war?

Under any circumstances, Mr. Chairman, war is a great evil, perhaps the greatest which can befall a nation, except dishonor. Between two such nations as Great Britain and the United States, each of bravery unsurpassed, possessed of immense resources, and aided in the work of mutual destruction by the inventions and improvements of modern science, the conflict would be frightful, and the devastation shocking. I wish not to dilate on the mere horrors of war. But, Mr. Chairman, if from the dreadful aggregate of misery, anguish, and death which must result from even a single field of carnage, we could segregate and individualize to the mind's full conception each case of the wounded or the dying, with all its attendant suffering, and its mournful result to the home of the bereaved—to the widow and the orphan—we must have hearts more savage than that of the bloodiest despot who ever outraged humanity, if, holding in our power the blessings of peace, without the most palpable necessity, we should "cry havoc, and let slip the dogs of war." To my mind, the character of the Duke of Wellington is not more illustrated as a conqueror in the annals of history by the decisive victory of Waterloo, than as a man in the view of enlightened humanity, by his simple answer to a friend who, congratulating him on his glorious achievement, expressed wonder at the absence of all elation on his part. Be not surprised, (he said,) for, in my view, save a defeat, the greatest of all calamities is a glorious victory. He was, right, sir; and the noble moral of his sentiment is of peculiar applicability to

us. For if assured—as we are far from being—of triumph in war beyond our sanguine anticipations, of what profit would it be compared with the destruction of human life, the outpouring of treasure, the devastation of property, the jeopardy to our institutions, and the retardation of our progress in improvement and happiness by which its blood-stained laurels would be gained?

The genius of our institutions are essentially peaceful, and it is the glorious privilege of our position on this continent that we are most surely aggrandized as a nation by the noblest instrumentalities—the culture and peopling of the earth. Our government is admirably adapted for the development and prosperous display of the individual energy and industry of its citizens; and in every form of human effort—in agriculture, in commerce, and in manufactures—we have thriven and prospered in a manner wholly unexampled in the annals of mankind. Many a hoary head is yet seen among us, whose possessor, having seen our nation emerge from colonial vassalage, has witnessed its progress with scarce a check, till now, by the acknowledgment of the first statesmen of Europe, it ranks among the greatest of the earth. For the conduct of war I will not say our government is incompetent, for on the sufficiency of its energies for every want, I have great confidence; but certainly in its capacity for the concentrated executive efforts essential for war it contrasts less favorably with the monarchies and aristocracies of Europe, and especially with the government of Great Britain, than in its adaptation to inspire incentives to industry and secure the triumphs of peace. There have been frequent manifestations on this floor of feelings hostile to England, and as if to incite to resentment and vengeance. We have had paraded in vivid array all the crimes and atrocities alleged to have been perpetrated by her for ages back in all quarters of the world, and have listened to fervid appeals in behalf of the groaning and down-trodden millions of her subjects, who, it is said, writhe beneath the oppression of her bloated aristocracy. Sir, if we are to be incited by such national Quixotry, or be betrayed to a crusade for the deliverance of those who use not our sympathy and would spurn our proffered aid, let me say, that in my opinion, they would greatly err who would resort to war for vengeance or redress. The most certain means for us to overthrow English power—to avenge the past and remedy the present ills of her inflicting—is by our peaceful progress, by successful competition in commerce and manufactures, on her superiority in which rests the main staff of her dependence. Our agriculture of course exceeds hers; our commercial marine is fast approximating to hers; in many branches of manufacture for which our country without artificial stimulants is ripe, we are underselling her in the markets of the world. Let us but await our growth, and time and peace will, in a few years, do more to gratify such national antipathy, if it unfortunately exists, than present war could by possibility accomplish.

But, sir, what would be the probable consequences of war, should it come, in relation to this disputed country of Oregon? It has been well remarked, in a leading English journal, "What can England justly dread in that territory, when she has command of the seaboard and the interior—of the forts and the Indians." Her resources there would be far greater than ours, and her facilities of access superior. Between nations, at least kindred in valor and

skill, these advantages would seem decisive. Elsewhere, we might, and probably would, obtain indemnities, especially in the Canadas. But, after all, the great struggle must be on the oceans, and for nothing short of the supremacy of the seas. Immense present odds must there be against us; yet for one, if the conflict begin, I should not despair of at least an equal result. With all our national energies roused, and our immense resources fully directed to naval ascendancy, the God of battles could alone foresee and award the ultimate issue. But against conflict so doubtful and consequences as dire as must ensue, every patriot should strive while honor will permit. Such I confidently believe to be the feeling of the enlightened constituency I have the honor to represent on this floor. Prepared as one man to breast the shock of arms when necessary, they are too sagacious not to perceive that in the ways of peace, their true honor and interests lie, and too conscious of real valor to dread the idle imputation of timidity in adopting the counsels of prudence and wisdom. In their name, humble as I am, I protest against and denounce the folly and the madness which, by such improvident legislation as this bill proposes, would expose them and the country to the hazards and sacrifices of a need-war-less.

To the grave objections which have been urged to this bill without the restriction of the proposed amendment, one answer, having sufficient plausibility to require notice, has been given. It is, that the English legislation applicable to this Oregon territory is coextensive with the proposed operation of this bill; and that in adopting it we but follow the precedent and example of Great Britain, who will consequently be precluded from complaint. Now, Mr. Chairman, I am not disposed to cavil about technicalities, or quibble on the precise construction to be given to some of the clauses of the English act of 1821. I am inclined to admit that the general phraseology of that act may be justly susceptible of the construction contended for. But it must be remembered when that act was passed, and with what assurances it was followed. The enactment was as far back as 1821, after the adoption of the convention of 1818, and when it was to endure for years; and it has been subsequently continued under the renewed convention of 1827, which was indefinite in its duration. After its passage too, as is well known, on the application of our government, who apprehended its provisions might be inconsistent with the convention, satisfactory assurances were given by the government of Great Britain that its provisions were not intended, and should not be construed, to extend to citizens of the United States, or invade the rights secured by the convention. Practically and substantially, then, this English enactment was passed with reference only to the continuance of the convention, and to operate under and in strict subserviency to its provisions. For more than twenty-five years during which it has been in existence, such has been its actual operation, and not a complaint has been made or heard that it has ever been extended beyond British subjects, or made to apply to citizens of the United States.

[Here Mr. JACOB THOMPSON, of Mississippi, interrupted Mr. SEDDON with the remark: "But in the English act, what savings in favor of American citizens exist? Are there any others than the simple right to hunt?"]

I have stated, sir, (resumed Mr. SEDDON,) my in-

clination. I am not a war man. I am a peace man. I am a man who believes in the rights of citizens. I am a man who believes in the rights of the people. I am a man who believes in the rights of the nation. I am a man who believes in the rights of the world.

[Here Mr. SEDDON, sitting by the English committee, in remark on clause in the court's try, but a civil governor.]

Mr. SEDDON, whose opinion has been obliged to read the report that the United States.

[Here Mr. SEDDON, sitting by the passage of the government, or established, any subsequent of the.]

Mr. SEDDON, to deal with the relationship, or with perfect not hesitate not, to my government of the law makes tries as the construction. I have read a respected worth than tion, the cl to America right of human ment of the wholly from said, howe view taken the act. I circumstances were solemn on the und to British invasion o zens. Ins wrangling its mere ally and the time an

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inclination, with entire candor, to admit that the general words of the English statute may admit of a construction which would be less favorable to our citizens than under the convention they would have been entitled to expect. But to the existing convention in view of which the act was passed, to the full assurances given in explanation of it, and to its practical operation for so long a time, I refer with confidence, to demonstrate the real character of that law, and to show that it was personal to British subjects and their possessions—not injurious to our citizens.

[Here Mr. McDOWELL, of Virginia, who was sitting by, handed to Mr. SEDDON a book containing the English act, and desired him to read to the committee in this connexion, and in answer to the remark of the gentleman from Mississippi, the clause in that act in which the jurisdiction of the courts of Canada is extended to the Indian country, but so as not to apply to any part under the civil government of the United States, &c.*]

Mr. SEDDON proceeded. My honorable colleague, whose opinions are entitled to the highest deference, has obligingly handed me the English act, and desired me to read one of its sections. Feeling the utmost respect for his judgment, I do so. [Here Mr. S. read the section.] From its language it is apparent that the authority of the government of the United States is not meant to be injuriously invaded.

[Here Mr. JAMES THOMPSON interrupted Mr. SEDDON with the inquiry, whether, at the time of the passage of the English act, there was any civil government of the United States in the Oregon territory, or any part of it, and whether the jurisdiction established by the English act could be ousted by any subsequent establishment of the civil government of the United States in it?]

Mr. SEDDON resumed. I wish, Mr. Chairman, to deal with this subject in no spirit of mere partisanship, or for seeming triumph in argument, but with perfect candor and frankness. I therefore do not hesitate to reply to the gentleman, that there was not, to my knowledge, at that time, any civil government of the United States in Oregon, and that the law may probably be held to apply to the countries as they then were. Opinions, however, as to the construction of the law differ; and, as I have stated, I have read this clause in deference to the wish of a respected colleague whose judgment is of more worth than my own. At least, on any construction, the clause proves that more respect was shown to American citizens than merely to save their right of hunting, since all under any civil government of the United States at the time are excluded wholly from the operation of the act. As I have said, however, I am not disposed to controvert the view taken by gentlemen of the mere language of the act. My argument is based on the time and circumstances of its passage; on the assurances which were solemnly given of its intended operation, and on the undoubted fact that its application has been to British subjects alone, and never extended to the invasion of the rights of our government or its citizens. Instead of ferreting out this musty act and wrangling on the exact construction to be given to its mere words, let the matter be viewed practically and substantially. Candor must admit that in the time and circumstances of the English legislation,

as contrasted with those of our proposed bill, consists the greatest imaginable difference. There was then no reference beyond the convention, and the legislation of England was in contemplation of, and in subservience to its provisions. Now, having already in this House voted to give notice, and not doubting the concurrence of the other branch of the legislature in some form, our legislation is proposed in direct reference to the termination of the convention, and in full contemplation of the ulterior state of affairs when no treaty stipulations are to exist. Bills, the general words of which, if adopted soon after the convention was entered into, or while it was indefinite in duration, would have been of little moment, and no danger would, under present circumstances, possess peculiar significance and convey most offensive menace. To such a law as now proposed, had it been brought forward when the English act passed, serious objection might not have been entertained. I might myself have voted for it without note or care for its operation beyond the convention, the termination of which was not contemplated. But now thoughtlessness or recklessness in our legislation would be both foolish and criminal. It is no fair test of the wisdom or safety of passing this bill to compare its provisions with the mere phraseology of the English act. The true touchstone is to reverse the attitudes of Great Britain and our government, and to bring home to our own breasts the thoughts and emotions which conduct like that we propose, if adopted by Great Britain, would excite. Suppose, in the absence of any cause of irritation on our part, in the course of a pending negotiation for amicable adjustment of the conflicting claims of the two nations, the government of Great Britain were to give us notice for the abrogation of the existing convention, and her Parliament were contemporaneously not merely to show an intent, but provide by actual legislation immediately thereafter to take possession of the whole territory, and dispossess our citizens and exclude all claim on our part to jurisdiction or sovereignty in any portion of the country, even south of the Columbia: would not indignation deep and intense be kindled in all American hearts? and would not such course be deemed most significant of hostile intent and the prelude to certain war? We might indeed deem it wise in our present state of preparation to nurse our wrath and delay an immediate outbreak of hostilities, but all would feel that prudence, not international obligations, withheld, and that we would be warranted, so soon as by vigorous effort we should adequately prepare, to seek the ultimate resort of nations. In this reverse of positions we find an admirable admonition to forbear from the rashness and aggression this bill unamended would exhibit; for what we would not endure we may justly expect Great Britain—a nation as potent and sensitive to honor as our own—will promptly resent.

A strong additional argument, Mr. Chairman, for limiting this bill by the amendment proposed is afforded by the unanimity which will then be secured to its passage. This is a consideration which should be strongly felt by those honorable gentlemen, its peculiar advocates in its present objectionable form, who have been so solicitous and clamorous for unanimity—cordial and united action in our measures about Oregon. We have been stunned by honorable members here, till we scarce heeded the no less frequent appeals of the press, with assurances of the mighty influence to be exerted at home and abroad

*The same clause has been heretofore quoted.

by the moral effect of united action and harmonious co-operation of all branches of the government in relation to Oregon. Now, surely, if union and harmony constitute such potent levers wherewith to move the world on this subject; they cannot be less essential on the manifestation of our purpose to encourage and protect our settlers in Oregon, than in the form in which the notice to terminate the convention is to be given.

There will scarce be any dissent in the provisions of the bill for these objects; whereas, by extending its operation to the dispossession and exclusion of Great Britain, after the convention is terminated, from the whole territory, the bill, if passed at all, can be carried only by a meagre majority. I appeal to gentlemen, on their own arguments, to meet us fairly, and accord, where all may agree, and not to legislate as if the isolation of friends, rather than the attainment of ends common to all parties and sections of parties, were their real object.

All considerations of prudence and policy conspire, Mr. Chairman, to dissuade us from legislating now for the exigencies which are to exist after the termination of the convention. There is certain-

ly no occasion for Congress to anticipate events so far. Another session must occur before the convention can expire, and then, with much fuller lights, and in view of all intermediate events, we may adjust our legislation to the necessities of existing affairs. Should a settlement be effected in the intermediate time, your present legislation would be intercepted and overruled. Should conflict prove inevitable—and by that time the development of events will probably allow a correct decision—many members, who are now averse to the assertion of exclusive sovereignty and jurisdiction, would be prepared to go for the whole. If fight the nation must, then let it fight for all that the fate of arms can bestow. But now our negotiations are pending—our relations in a doubtful and embarrassing condition. We are on the eve of events to be decisive of our future course in relation to this whole Oregon matter. How, then, can we prudently or wisely legislate in advance, when we literally “know not what a day may bring forth.”

[Here the Chairman's hammer fell, and Mr. S was cut off from further remarks.]

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